

## Phase 2 of SAFE Act in Effect

After a successful 2012 implementation of the first phase of the Secure and Fair Elections (SAFE) Act, requiring voters to provide photo IDs when they vote, 2013 is the year for implementation of Phase 2. Phase 2 requires individuals registering to vote for the first time in Kansas to submit a document proving their U.S. citizenship. If they do not provide a document when they submit their voter registration application, they may do so at any time by mail, electronically or in person up until the day before the next election.

When a citizenship document is submitted, the CEO is required to assess its validity before granting full registration status to the applicant. The process for assessing citizenship documents is spelled out in an administrative regulation, K.A.R. 7-23-14.

If a citizenship document is not provided, the CEO is required by law to notify the applicant of the need to submit documentation in order to complete the registration process. A record is created in the voter registration database (ELVIS) with a status of Suspense, pending submission of a valid citizenship document.

If a person is a naturalized citizen instead of a natural-born citizen, the SAFE Act allows the person to provide a naturalization number on the application form in lieu of providing a copy of the citizenship document. The CEO, or in some cases the SOS, is directed by law to verify the naturalization number with the U.S. Bureau of Citizenship and Immigration Services. At the time of this writing, the Bureau had not provided Kansas officials with the means to verify naturalization numbers. The Secretary of State's office applied for permission to participate in the verification program, but to date permission has not been received. Until permission is granted, CEOs are required to send notices to these applicants instructing them to provide copies of their citizenship documents in order to complete the registration process.

### Options for the Voter Registration Applicant

- A person who was born in Kansas but does not have a copy of his/her birth certificate may obtain a free certified copy of the certificate from the Kansas Department of Health and Environment's Office of Vital Statistics.
- A person who has none of the thirteen acceptable citizenship documents may appeal to the state election board for consideration by applying through the Secretary of State's office. The state election board is composed of the Lieutenant Governor, Attorney General and Secretary of State. The procedure is spelled out in K.S.A. 25-2309(m).

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## From the desk of the Secretary

First, let me commend you for the smooth implementation of the photo identification portion of the Secure and Fair Elections Act in 2012. I am confident that you will do equally well implementing the proof of citizenship portion in 2013. Your dedication and competence in administering our election laws serves our citizens well.

As I write this message, there are some 55 bills being considered by the 2013 Kansas Legislature that would affect your work as county election officials. A partial list of these bills is on pages 4 and 5 of this issue of Canvassing Kansas. We are tracking the most important bills and will update you when significant changes are made.

The secretary of state's office supports the central components of **Senate Bill 63:** (1) giving independent authority to the Kansas secretary of state and the Kansas attorney general to prosecute any person who has committed a Kansas elections crime; and (2) increasing penalties for certain elections crimes. The district attorneys and county attorneys will keep such authority that they currently have. The problem has been that county prosecutors with limited resources tend not to investigate or prosecute elections crimes. It is important to take enforcement seriously in order to deter the forms of election fraud that are not stopped by photo ID requirements - such as voting in the same election in two different states. Numerous other Kansas agencies currently have authority to prosecute crimes within their areas of responsibility,\* and the secretary of state's office should be added to the list. SB 63 passed as amended in the Senate on February 28, 2013. We look forward to the House of Representatives adopting these measures as well.

**Senate Bill 177** clarifies Kansas law by stating that the contents of a voter's ballot and the manner of voting, whether by regular or provisional ballot, constitute confidential information that may not be disclosed from the time the ballot is cast until the canvass of the election by the county board of canvassers. Previous secretaries of state have discouraged releasing such information prematurely in order to protect voter privacy and to protect against unwelcome post-election calls by candidates before election results are finalized. In 2012, the lack of clarity in the law yielded conflicting results in two different counties. A judge in one county released the names of provisional ballot voters and reasons for provisional ballots, while a judge in another county refused to do so. SB 177, passed as amended in the Senate on February 28, clarifies existing law and will result in uniformity across the state of Kansas. We hope that the House will also pass the bill.

**House Bill 2210** prohibits any registered voter from changing party affiliation between the candidate filing deadline and the time when the primary election results are certified by the secretary of state. HB 2210 passed as amended in the House on March 1, 2013. We would like to see the Senate follow suit. The bill will help to lighten the workload of county election officials during this hectic period of the election cycle.

*Cont'd on pg. 8*

# SOS Election Staff Changes

**T**here has been significant turnover in the Elections Division of the Secretary of State's office in recent months. It is a small office - four full time, one part time and one part time college intern.

In the December issue of this newsletter we reported that Jameson Beckner had assumed the duties of Amber Baker, who had held the Elections Specialist position for the past couple of years. The Elections Specialist is at the front desk with the main phone. Now Jameson has moved to another desk next to the Elections Specialist desk - Special Programs Coordinator. That position was vacated by Josh King, who had held it for more than two and one half years. The Elections Division has also welcomed Courtney Canfield to the lineup. Here's the sequence of events:

## **October, 2012**

Elections Specialist Amber Baker left the SOS office and was replaced by Jameson Beckner.

## **December, 2012**

Bobbie Broadbent retired from her part-time position as Accounting Clerk. (The Accounting Clerk sells lawbooks and Kansas flags and manages Statements of Substantial Interests.) Linda Limon-Rocha joined the Elections staff to replace Bobbie.

## **January, 2013**

Special Programs Coordinator Josh King left the SOS office and Jameson Beckner took his place. Josh King is now Program Coordinator for Wyandotte County Election Commissioner Bruce Newby.

## **February, 2013**

Linda Limon-Rocha moved from Accounting Clerk to Elections Specialist, replacing Jameson Beckner.

## **February, 2013**

Courtney Canfield joined the Elections staff as Accounting Clerk, replacing Linda Limon-Rocha.

Another personnel change that has affected the office is the resignation of Ryan Kriegshauser in late December, 2012. Ryan had been SOS Legal Counsel since January, 2011, having come on board with Secretary of State Kobach. Ryan left to take a position with the Kansas Securities Commissioner. As of this date his position has not been filled.

Among the current staff of the Elections Division, only Bryan Caskey and Brad Bryant have been in their jobs more than six months. Several people are learning new duties, training their replacements in their old jobs, and in some cases juggling parts of two jobs. This has produced some hectic moments, but the office has managed to continue to function, and hopefully there has been no drop-off in the level of service provided. ■



New Elections Office member Linda Limon-Rocha.  
Photo by Todd Caywood.



New Elections Office member Courtney Canfield.  
Photo by Todd Caywood.

# Many Elections Bills Under Consideration

**T**he 2013 Kansas Legislature has many bills to consider that would affect elections, ethics and campaign finance. A partial list of bills that have been introduced this year appears below. One of the most significant concepts under consideration, and one that is dealt with in various ways in five separate bills, is the idea of moving local elections from the spring of odd-numbered years. As always, the SOS office monitors these bills and provides periodic email updates to CEOs. A session on implementation of the new laws is conducted every year at the spring conference of the Kansas County Clerks and Election Officials Association.

**SB 33** - This bill would repeal the citizenship requirement passed in 2011 as part of the SAFE Act. Current law requires persons registering to vote for the first time in Kansas to provide to the CEO documents proving that they are US citizens.

**SB 38** - This bill would delete language in KSA 25-1136(c) saying that if an advance voter mails his/her ballot to the CEO and then dies before ballots are counted, the ballot should be made provisional.

**SB 63** - Proposed by the Secretary of State, this is an election crime bill. It would (a) clarify language in laws defining the crimes of voting more than once, election bribery, voting without being qualified, and false impersonation of a voter, (b) raise the penalties for some election crimes, and (c) grant authority to the Secretary of State to prosecute election crimes.

**SB 64** - Proposed by the Secretary of State, this is a party affiliation bill that would: (a) resolve a discrepancy in the law created by a 2011 amendment that moved the voter registration deadline from the 15th day to the 21st day before each election, and (b) prohibit any voter from changing his/her party affiliation more than once in each 90 day period.

**SB 98** - This bill would change the limit for the affidavit of exemption for campaign finance in local elections. Current law states that if a candidate for local office spends less than \$500 on his/her campaign, the candidate is exempt from filing campaign finance reports by filing an affidavit of exemption. This bill would raise the threshold to \$1,000. "Local office" means 2nd and 3rd class cities, community colleges, local school districts and township offices.

**SB 109** - This is an ethics bill that would prohibit the expenditure of public funds for the purpose of lobbying the legislature.

**SB 143** - This bill would set term limits for the state treasurer and state commissioner of insurance of three consecutive four-year terms.

**SB 145** - This is one of a group of bills that would affect local elections in the spring of odd-numbered years. It would make spring elections partisan and would move them to the fall of odd-numbered years with a primary in August and general election in November.

**SB 151** - This is a term limits bill for Kansas representatives and senators in the US Congress. It would limit representatives to six consecutive terms (12 years) and senators to two consecutive terms (12 years).

**SB 177** - Proposed by the SOS, this bill would prohibit the public disclosure of voters' names, specifically provisional voters' names, from the day of the election until the final canvass of the election. It does not prohibit disclosure of advance voters' names.

**SB 211** - This is one of a group of bills that would affect local elections in the spring of odd-numbered years. It would make spring elections partisan and would move them to the fall of even-numbered years. Also, this bill would (1) do away with candidate rotation and place candidates' names on ballots in alphabetical order, and (2) do away with election in the primary of political party precinct committee positions.

**HB 2112** - This is a campaign finance bill that would allow candidates to transfer unused campaign funds from one account to another. For example, a House member who intends to run for Senate must establish a separate campaign finance account for Senate. This bill would allow transfer of unused funds from the House account to the Senate account.

**HB 2129** - This bill would move the commencement of the term of office for elected county treasurers from the second Tuesday in October to the second Monday in January to coincide with the commencement of terms of other officers.

**HB 2130** - Proposed by the Secretary of State, this bill deals with petition circulators. The bill would repeal the statutory requirement that petition circulators be residents of Kansas and would allow petition drive organizers to use (and hire) out of state individuals to circulate petitions in Kansas. The bill is intended to bring state law into compliance with a court case that ruled the state residency requirement unconstitutional.

**HB 2162** - This bill would provide for explanatory statements on ballots for question submitted elections. Currently, explanatory statements are on the ballot for constitutional amendments but not other ballot questions. Under the bill, if the special election was caused by a petition, the CEO may request the county or district attorney or county counselor to draft an explanatory statement subject to approval by the Secretary of State. If the special election was not caused by a petition (such as an action by a local



governing body), the CEO may request the Secretary of State to draft an explanatory statement, subject to approval by the Attorney General.

**HB 2164** - Proposed by the Secretary of State, this bill would require judicial districts to provide to the Secretary of State information regarding potential jurors who were excluded from jury duty because they are not US citizens.

**HB 2210** - This bill is similar to SB 64. It would prohibit any registered voter from changing his/her party affiliation from the date of the candidate filing deadline in an election year (June 1) through the date the results of the primary election are certified (approximately Sept. 1).

**HB 2226** - This is one of a group of bills that would affect local elections in the spring of odd-numbered years. This bill would make all elections for local offices and municipalities partisan.

**HB 2227** - This is one of a group of bills that would affect local elections in the spring of odd-numbered years. This bill would move the elections from the spring of odd-numbered years to the fall of odd-numbered years. They would still be nonpartisan. The primary would be in August and the general election in November.

**HB 2260** - This is a voter ID bill. It would allow a voter who refuses or is unable to provide photo ID when voting to sign an affidavit stating the voter's name, date of birth, address and last four digits of the social security number and vote a provisional ballot. If the affidavit is signed, the provisional ballot is deemed valid by the board of canvassers.

**HB 2266** - This is a campaign finance bill that would put campaign finance requirements for local question submitted elections under the jurisdiction of the Governmental Ethics commission.

**HB 2271** - This is one of a group of bills that would affect local elections in the spring of odd-numbered years. This bill would make all local elections partisan and would move them from the spring of odd-numbered years to the fall of even-numbered years to coincide with elections for national, state and county offices.

**HB 2281** - This bill is the same as SB 33.

**HB 2291** - This bill deals with municipalities' special elections to issue bonds. Municipalities include any county, township, city, municipal university, school district and any other taxing district or political subdivision of the state which is authorized to issue bonds. The notice of the election would have to include the total amount of money needed to finance the bond debt and the names of any persons who have a vested interest in the project. The ballot language would include the total amount of money needed to finance the debt.

**HB 2296** - This is a campaign finance bill that would allow candidates to donate unused campaign funds to tax-exempt

and religious organizations in addition to the other entities to which such funds may be donated.

**HB 2313** - This is an ethics bill that would exclude rural water districts from the list of governmental subdivisions whose members are required to file statements of substantial interest (SSIs).

**HB 2354** - This is an ethics bill affecting the fees and penalties related to the Governmental Ethics Commission. Fees paid by candidates for statewide office would rise from \$480 to \$650 and for other state office candidates from \$35 to \$50. Lobbying fees paid by certain political committees would rise from \$240 to \$300 and for others, from \$35 to \$50.

**HB 2364** - This bill would repeal the SOS duty to publish notices of constitutional amendment elections three times in newspapers in every county and instead require the SOS to publish the amendments on the SOS web site and issue press releases to media outlets in every county.

### **Constitutional Amendments**

The following Senate Concurrent Resolutions and House Concurrent Resolutions would create statewide elections in either August or November, 2014 on amendments to the Kansas Constitution:

**SCRs 1601, 1602, 1605, 1608, 1609 and 1610** and **HCRs 5002, 5003, 5004, 5005, 5006, 5007, 5009, 5010 and 5012.** ■

## Phase 2

Cont'd

The application may result in a hearing before the board where the applicant is provided an opportunity to submit any documentary evidence or witnesses vouching for the person's citizenship.

- If a person's registration application is denied because the citizenship document was deemed unsatisfactory due to an inconsistency in the name or sex of the applicant, the person may sign an affidavit and submit it to the county election officer. The affidavit must state the nature of the inconsistency in name or sex and swear that, despite the inconsistency, the applicant is the individual reflected in the citizenship document.

In the future the process may be easier for some individuals when the state's driver's licenses include a citizenship indicator. As part of the implementation of the federal Real ID Act, many states are requiring people to provide proof of citizenship when they apply for or renew their driver's licenses. The Kansas Division of Motor Vehicles is already requiring documentation for new driver's license applicants, and the requirement for renewals is scheduled for implementation later in 2013. Then, at some point, the DMV office plans to begin applying a star or "C" to the face of driver's licenses indicating that the person has submitted evidence of U.S. citizenship. At that point, the driver's license may be used for registering to vote and for providing photo ID when voting. ■

## New County Election Officers

**2**013 brings among other things, a new group of county election officers. Listed below are the new county election officers, along with the person who was replaced. When you have a minute, please reach out to the new officers and wish them well! And congratulations on your recent elections!

**Bourbon** - Kendall Mason, replacing Joanne Long

**Butler** - Donald Engels, replacing Ronald Roberts

**Chautauqua** - Janice Fine, replacing Cammie Farner

**Cherokee** - Rodney Edmonson, replacing Crystal Gatewood

**Ellis** - Donna Maskus, replacing Alberta Klaus

**Franklin** - Janet Paddock, replacing Shari Perry

**Gove** - Doug Press, replacing Julie Hawkey

**Hamilton** - Angie Moser, replacing Marcia Ashmore

**Kiowa** - Kristie Odle, replacing Carmen Renfrow

**Marion** - Tina Spencer, replacing Carol Maggard

**McPherson** - Cathy Schmidt, replacing Susan Meng

**Morton** - Gina Castillo, replacing Mary Gilmore]

**Rawlins** - Rachel Finley, replacing Wayne Lanning

**Reno** - Donna Patton, replacing Shari Gagnebin

**Republic** - Kathleen Marsicek, replacing Vickie Hall

**Rush** - Corinne Baldwin, replacing Barbara Matal

**Washington** - Danae Dimler, replacing Lou Kern ■

# Spring Election Planning Underway

**U**nder Kansas law, as soon as one election season ends it's time to prepare for the next. Individuals elected to national, state, county and township offices last November took office on January 14, and eight days later came the filing deadline for local spring elections. This allows no time for county election officers to catch their breath, and it's especially challenging for county clerks who have just taken their oaths of office.

In 2013, the general election is April 2 and the primary, in those jurisdictions where a primary is required, was February 26. The spring elections involve cities, unified school district boards of education, community college boards of trustees, irrigation districts, drainage districts, water districts and extension council districts. All counties have city and school district elections, but not all counties have the other jurisdictions.

Significant snowstorms affected planning for the February 26 primary elections in the twenty-four counties that had one or more primary. Large areas of the state received from several inches to more than a foot of snow during the 36-hour period before the primary, requiring county election officers to adopt emergency planning measures.

Some CEOs closed and consolidated polling places and took extraordinary measures to deliver ballots and voting equipment to polling places. Secretary of State Kris Kobach extended advance voting on the day before the election for an extra seven hours—noon to 7:00 pm—pursuant to his authority under K.S.A. 25-622 to designate alternative methods of ballot distribution in cases of emergencies.

Election officers in previous years have had to react to smaller-scale emergencies such as localized floods, power outages and equipment failures, but the February, 2013 primary election snowstorm, coming a week after a similar storm had dropped six to twelve inches of snow across the state, was the largest in memory in terms of geographical area.

The spring elections in 2013 were the first to occur after implementation of the citizenship requirement in the 2011 Secure and Fair Elections (SAFE) Act. The citizenship requirement, dubbed Phase 2 of SAFE, requires each person registering to vote for the first time in Kansas to provide proof of U.S. citizenship. ■

## Reform Party Loses Official Recognition

**A**fter the state board of canvassers met on November 29, 2012, to certify the results of the general election, it was determined that the Reform Party of Kansas had lost its official recognition. The Americans Elect Party had already lost its official status (see Canvassing Kansas, December 2012, page 7), resulting in the loss of two political parties from the Kansas electoral landscape. That leaves only three parties with official recognition as of this writing: Democratic, Republican and Libertarian.

Once a party obtains official recognition, there are two requirements to maintain its status: (1) it must nominate a candidate for at least one statewide office in each general election, and (2) any such nominee must receive at least 1% of the vote. The only statewide office on the ballot in 2012 was

President, and the Reform Party's nominee, Chuck Baldwin, received 5,017 votes, or 0.4%. Secretary of State Kris Kobach notified the party's state chairman by letter.

When a party loses recognition, any registered voters affiliated with the party automatically have their party affiliation statuses changed to unaffiliated. The party is no longer authorized to hold conventions to nominate candidates for any office in the state until it obtains official status again through the petition process. ■

# SOS Participates in New County Clerk Training

**T**he Kansas County Clerks and Election Officials Association's Education Committee, chaired by Leavenworth County Clerk Janet Klasinski, organized the quadrennial training program for newly-elected and newly-appointed county clerks and their deputies in February, 2013. The event was held February 7 and 8 at the Ramada Hotel and Convention Center in Topeka.

This type of training is essential for county clerks who win their elections in November, take office in mid-January, and immediately face many important duties for which they may be ill prepared without a crash course in how to be a county clerk. Some have experience as deputies in their offices, so they are somewhat better prepared. From an elections standpoint, when clerks take office they face a candidate filing deadline for the local spring elections just over one week after they take the oath of office, and they might have primary elections five weeks later, with the general election to follow in early April.

The two-day agenda for the "New Clerks Training Orientation" included presentations by the Kansas Division of Property Valuation, Kansas Division of Accounts and Reports, a meeting with R.J. Wilson, the KCCEOA legislative lobbyist (and former county clerk in Crawford County), and two sessions with panels of experienced county clerks advising their new colleagues on budgeting, setting levies, abstracts, working with county commissioners, human resource aspects of the job, preparing for an election, and other timely topics.

The Secretary of State's office was offered a generous allotment of time, from 8:30 to 2:00 on Thursday, February 7, to discuss elections. The SOS session was conducted by five presenters:

Secretary of State **Kris Kobach**  
Assistant Secretary of State **Eric Rucker**  
Deputy Assistant Secretary of State **Brad Bryant**  
Assistant Election Director **Bryan Caskey**  
Former SOS Projects Manager (and current Program Coordinator in the Wyandotte County Election Commissioner's Office) **Josh King**

Topics included in the SOS presentation were: spring elections, Help America Vote Act (HAVA) programs and updates, requirements of the Kansas Secure and Fair Elections (SAFE) Act, current election issues, 2013 elections legislation, a primer on legal resources and issues, communication between county election officers and the SOS office, and upcoming events of interest to county clerks.

The KCCEOA is to be commended for making the effort to conduct this session to help new clerks get up and running as quickly as possible, and the new clerks and their deputies are to be commended for making the effort to attend. The New Clerk Orientation is a worthwhile program in that it provides a basic understanding of the job and also provides an opportunity to make contacts among counties to help each other out with questions in the future. ■

## Secretary

*Cont'd*

If you have any questions about these or any other bills, don't hesitate to contact us. My office will be happy to answer any questions you may have.



\* Other state agencies that currently have authority to prosecute crimes within their areas of responsibility are Department of Human Resources, Division of Worker's Compensation; Department of Revenue, Division of Alcohol Beverage and Control; Racing & Gaming Commission; Lottery Commission; Division of Nursing; Securities Commission; Kansas Bureau of Investigation; Insurance Commission; Banking Commission; Consumer Credit Commission; and Board of Adult Care Homes.